S.B.CIVIL WRIT PETITION NO.5724/2004.

Ambika Sidana Vs. The State of Rajasthan & ors.

DATE OF ORDER : 24.03.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.Sandeep Shah for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

The instant petition has been filed by the petitioner seeking a direction to the respondents to allow 3 bonus marks to the petitioner for the certificate of "Nipurn", possessed by him in scouting issued by Rajasthan State Bharat Scouts and Guides, while determining his merit for the purpose of recruitment on the post of Senior Teacher Grade II in pursuance to the notification published on 21.8.2003 (Annexure 6).

Brief facts giving rise to the instant petition are as follows:

The petitioner did her Bachelors' Degree in Science and also in Arts in Additional English from the Maharshi Dayanand Saraswati University, Ajmer. Thereafter, the petitioner acquired the Bachelors Degree in Education from Punjab University Chandigarh.

The petitioner is also having a certificate of scout issued by "Bharat Scouts and Guides". It is submitted that the Bharat Scouts and Guide is a Society registered under the Registration Act. It provides training in scouting and is the only institution in the country, which awards fellowship certificate in scouting and guiding. The Bharat Scouts and Guides provides three kinds of certificate known as "Praveen", Nipurn" and "President Award". The certificate of Praveen is the basic certificate in scouting, the certificate of Nipurn is the secondary certificate in scouting and the President Award is the highest award in scouting. The petitioner being selected the extra ordinary ranger scout was given the "Nipurn" certificate on 19.9.2002 by the Rajasthan State Bharat Scouts and Guides.

The Government of Rajasthan while determining the merit for the purpose of recruitment to the post of Teacher Grade II allows 1 bonus marks to the Scouts having certificate in the category of "Praveen", 3 bonus marks to the scouts having the certificate of "Nipurn" and 5 bonus marks are given to the scouts having "President Award".

The respondent No.3 by notification, published on 21.8.2003 (Annexure 6) invited applications, from the eligible

candidates for the purpose of appointment of Senior Teacher Grade II, under the Rajasthan Education Sub-Ordinate Rules, 1971. Pursuant to the said Advertisement, the respondents prepared a provisional merit list, but the further proceedings were stayed by stay orders of this Court and the appointments could not be made.

Heard learned counsel for the parties.

The main contention raised by the learned counsel for the petitioner is that on the basis of the certificate of "Nipurn", the petitioner is entitled to 3 bonus marks, but the respondents are denying the bonus marks to the petitioner on the ground that they were enrolled with the Bharat Scouts and Guides independently, and are granting the bonus marks to the person who have scouting certificates through educational institutions. It is submitted by the learned counsel for the petitioner that all the certificates to the level of "Praveen" and "Nipurn" are issued by the Rajasthan Chapter of Bharat Scouts and Guides, and the President Award is issued by His Excellency the President of India, irrespective of the fact that the scout concerned is enrolled with Bharat Scouts and Guide independently or through the educational institutions. Even the Bharat Scout and Guide itself does not make any difference

between the scout enrolled through the educational institutions and the scouts enrolled independently. This is very clear from the letter dated 28.1.2004 (Annex.7). Therefore, there is no ground for treating the petitioner and the like persons whohave obtained the certification scouting through independent enrolment with the Bharat Scouts and Guides.

During the course of arguments, learned counsel for the petitioner submitted that the controversy involved in the present writ petition is squarely covered by the decisions of this Court rendered in S.B. Civil Writ Petitions No.223/2005 and 421/2004. It has further been submitted by the learned counsel for the petitioner that the Division Bench of this Court in D.B. Civil Special Appeal No.247/2004 (Mandeep Singh & ors. Vs. the State of Rajasthan & Others) decided on 06.05.2004, has affirmed the order dated 11.3.2004 passed by the learned Single Judge in identical S.B.Civil Writ Petition No.5810/2003.

This fact is not controverted by the Mr. Rameshwar Dave, learned Dy. Government Advocate. He has no objection if the instant petition is decided in terms of the judgment of Division Bench of this Court in D.B. Civil Special Appeal No.247/2004 (Mandeep Singh & ors. Vs. the State of Rajasthan & Others) decided on 06.05.2004.

Since the present writ petition is squarely covered by the decision of this Court rendered in D.B. Civil Special Appeal No.247/2004 (Mandeep Singh & ors. Vs. the State of Rajasthan & Others) decided on 06.05.2004, the instant petition, therefore, stands allowed.

The respondents are directed to give appropriate bonus marks to the petitioner on the basis of certificate Annexure 4, for the purpose of considering the petitioner's candidature for appointment to the post of Teacher Grade II, if the petitioner then stands in merit, appointment be given to her.

There shall be no order as to costs.

(R.P. VYAS)J.

Anil/